

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
EDWARD A. GIVEN)	
Petitioner,)	
)	
v.)	CIVIL ACTION
)	NO. 05-11663-NMG
)	
ROBERT MURPHY,)	
Respondent)	
_____)	

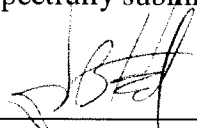
PETITIONER'S SUPPLEMENTAL AUTHORITY IN OPPOSITION
TO MOTION TO DISMISS

Petitioner Edward Given, by undersigned counsel, respectfully asks leave to file the attached Docket from his 2004 G.L. c. 123A § 9 proceeding as a supplemental authority in support of his Response to Commonwealth's Reply Memorandum Regarding Motion to Dismiss. Given particularly asks the Court to review the final entry on p. 3 of the Docket, dated November 19, 2004, stating, in pertinent part:

JUDGMENT: It is ORDERED and ADJUDGED that Edward Givens [sic] *remains* classified as a sexually dangerous person.

(Emphasis added).

Respectfully submitted,



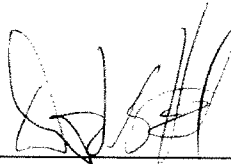
DAVID HIRSCH
BBO #600915
COMMITTEE FOR PUBLIC
COUNSEL SERVICES
44 Bromfield St.
Boston, Massachusetts 02108
(617) 482-6212

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and that a true copy was mailed, postage paid, to the attorney for respondent:

Scott A. Katz
Assistant Attorney General
Criminal Bureau
One Ashburton Pl.
Boston MA 02108

this 1st day of March, 2006.

A handwritten signature in black ink, appearing to read 'David Hirsch', written over a horizontal line.

David Hirsch

walsh_r

Commonwealth of Massachusetts

WORCESTER SUPERIOR COURT

Case Summary

Civil Docket

05/16/2006

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WOCV2001-02369

Given v Mass

File Date	11/16/2001	Status	Dismissed (dism)
Status Date	11/19/2004	Session	B - Civil B (18 Worcester)
Origin	1	Case Type	E14 - SDP petition (123A sec 9)
Lead Case		Track	X

Service	02/14/2002	Answer	04/15/2002	Rule	12/19/20
Rule 15		Discovery		Rule 56	
Final PTC	05/15/2002	Disposition	06/14/2002	Jury Trial	Yes

Plaintiff

Edward Given
30 Administration Road
Bridgewater, MA 02324
Active 11/30/2001

Private Counsel 545923

Scott P Curtis
358 Chestnut Hill Avenue
Suite 301
Brighton, MA 02135
Phone: 617-730-8141
Fax: 617-730-8132
Active 12/28/2001 Notify

Defendant

Comm of Mass
Service pending 11/16/2001

Private Counsel 555215

Mary P Murray
Mass Corrections Dept
30 Administration Road
Legal Department
Bridgewater, MA 02324
Phone: 508-279-8180
Fax: 508-279-8181
Active 11/17/2004 Notify

Date	Paper	Text
11/16/2001	1.0	Affidavit of indigency and Request for Waiver, substitution or state payment of fees & costs, filing fee, service fees, TRO fee, if any, (IMPOUNDED)
11/16/2001		Origin 1, Type E14, Track X.
11/16/2001	2.0	SDP petition (123A) filed with civil action cover sheet
11/16/2001	3.0	Plf's MOTION for interrogatories and depositions, memo of law in support of motion
11/16/2001	4.0	Plf's MOTION for expenses
11/16/2001	5.0	Plf's MOTION for speedy hearing
11/16/2001	6.0	Plf's MOTION for appointment of counsel
11/16/2001	7.0	Plf's Motion to compel disclosure of identity of witnesses
11/30/2001		TRANSFERRED to Unified Session Suffolk Superior Court Criminal. Mailed copy of all pleadings and docket sheet to Paul O'Connor and Maureen Buckley (Mass Treatment Center)
02/07/2002	8.0	Affidavit of plaintiff re; service of tracking order.
10/22/2003	9.0	Jury demand on all issues filed by Comm of Mass
02/06/2004	10.0	Defendant Comm of Mass's Motion for Reciprocal Discovery
03/02/2004	11.0	Joint Motion to Continue Trial

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Commonwealth of Massachusetts
 WORCESTER SUPERIOR COURT
 Case Summary
 Civil Docket

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Given v Mass

Date	Paper	Text
03/04/2004	12.0	RECIPROCAL DISCOVERY ORDER - (see order) (Lauriat, J) Copies mailed 11/17/04
03/04/2004		MOTION (P#10) ALLOWED by Agreement (Lauriat, J) Notices mailed 11/17/04
03/04/2004		MOTION (P#10.1) ALLOWED not to exceed \$2,500.00 per examiner (Lauriat, J) Notices mailed 11/18/04
03/11/2004		MOTION (P#11) ALLOWED (Fishman, J) Notices mailed 11/17/04
07/06/2004	13.0	Petitioner's Request for Jury Trial filed in Court
09/21/2004	14.0	Edward Givins Motion for Funds to retain Two Psychiatrists/Psychologists to Examine Petitioner Regarding Sexual Dangerousness
10/19/2004	15.0	Commonwealth's Proposed Witness List
10/28/2004	16.0	Affidavit Pursuant to GLc. 233 sec 79G
11/02/2004	17.0	Commonwealth's Proposed Statement of the Case
11/02/2004		Atty Scott P Curtis's notice of appearance for Edward Given
11/02/2004	22.0	Defendant Comm of Mass's MOTION for Voir Dire
11/02/2004	23.0	Commonwealth's Motion in Limine to Exclude from Evidence References to Published Material and Recidivism Statistics
11/02/2004	24.0	Commonwealth's Motion in Limine to Exclude Certain Evidence Concerning the Adequacy of the Petitioner's Treatment and/or Conditions of His Confinement
11/02/2004	25.0	Commonwealth's Motion in Limine to Exclude Jury Instruction on Presumption of Not Being Sexually Dangerous
11/08/2004	18.0	Commonwealth's Amended Proposed Witness List
11/08/2004	19.0	Petitioner's Witness List
11/08/2004	20.0	Commonwealth's Motion in Limine to Exclude Jury Instruction on presumption of Not Being Sexually Dangerous
11/08/2004	21.0	Commonwealth's Proposed Statement of the Case
11/08/2004	26.0	Commonwealth's Motion in Limine Regarding Report and Testimony of Eric Brown Psy.D. Petitioner's Expert filed in Court
11/08/2004	27.0	Petitioner's Request for Individual Voir Dire
11/08/2004		MOTION (P#22) After hearing ALLOWED (Donovan, J) Notices mailed 11/18/04
11/08/2004		MOTION (P#23) After hearing ALLOWED (Donovan, J) Notices mailed 11/18/04
11/08/2004		MOTION (P#24) After hearing ALLOWED (Donovan, J) Notices mailed 11/18/04
11/08/2004		MOTION (P#25) After hearing ALLOWED (Donovan, J) Notices mailed 11/18/04
11/08/2004		MOTION (P#27) After hearing ALLOWED (Donovan, J) Notices mailed 11/18/04
11/08/2004		MOTION (P#28) After hearing DENIED (Donovan, J) Notices mailed 11/18/04
11/08/2004		MOTION (P#29) After hearing DENIED (Donovan, J) Notices mailed 11/18/04
11/09/2004	28.0	Plaintiff Edward Given's Motion for a Directed Verdict Pursuant to

**Commonwealth of Massachusetts
WORCESTER SUPERIOR COURT**

**Case Summary
Civil Docket**

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Date	Paper	Text
	28.0	Rule 50(a)
11/10/2004	29.0	Plaintiff Edward Given's Motion for a Directed Verdict Pursuant to Rule 50(a)
11/12/2004	30.0	Edward Givens Requested Jury Instructions
11/12/2004	31.0	Commonwealth's Proposed Jury Instructions filed in Court
11/12/2004		Exhibits 1-20 filed
11/12/2004	32.0	Verdict of jury for defendant, Comm of Mass
11/12/2004	33.0	Clerk's Minutes of C. 123A s.9 Hearing
11/19/2004	34.0	JUDGMENT: It is ORDERED and ADJUDGED that Edward Givens remains classified as a sexually dangerous person. (Donovan, J) Entered and Copies mailed 11/19/04